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Contribute to WHS legislative compliance

Session 2

BSBWHS307 Apply
knowledge of WHS
laws in the workplace

Overview

Consultation

Training requirements

Consequences of non-compliance with WHS laws

WHS policies, procedures, processes and systems

Documenting and reporting hazards



Consultation

- Consultation must be two-way communication that allows for employees to contribute to the decision-making which affects their health, safety and welfare.
- Meaningful consultation can lead to fewer workplace injuries and give everyone the opportunity to:
 - Discuss and share their health and safety concerns
 - Identify safety hazards and risks
 - Find and implement practical solutions
 - Contribute to the decision making process
 - Communicate outcomes in a timely manner

Requirements To Consult With Workers



Consultation must take place on all work health and safety matters including:

- Undertaking risk management activities
- Proposing changes that may affect workers
- Making decisions about any work health and safety procedures
- The adequacy of facilities for the welfare of workers

Consultation Arrangements

- The WHS Act allows some flexibility, consultation arrangements must best meet the needs of the workers in the workplace.
- Health and safety representatives (HSRs) elected as representative of the workers and investigate health and safety issues.
- A health and safety committee (HSC) can be established:
 - If requested by the HSR, or
 - If requested by five or more workers, or
 - On the initiative of the PCBU (includes employers)
- The role of the HSC is to:
 - facilitate cooperation between the PCBU and workers



Training

Under the WHS/OHS Regulation, employers are required to provide:

- all workers (including casuals, contractors, volunteers etc) with suitable training, instructions and supervision so they can do their job safely.
- induction training to each new employee
- information, instruction and training to any person who may be exposed to a risk in the workplace
- all available information to persons in its organisation who have training and information responsibilities to enable them to fulfill those responsibilities.
- ongoing training in work health and safety (WHS/OHS) to achieve a safe workplace and effective injury management.



- WHS Acts impose a strict duty of care on PCBUs, as well as the representatives and workers to ensure the health and safety of all workers and others within the workplace.
- PCBUs have legal obligations to provide WHS systems, training and consultation opportunities.
- PCBUs are legally required to comply with their applicable state, territory or Commonwealth legislation. Noncompliance may cause injury or harm and can result in legal and financial penalties.

Consequences of noncompliance

Noncompliance can:

- result in injury or death
- cost a company money through fines and lost production time
- result in the prosecution or imprisonment of officers



Penalties And Enforcement

- WHS/OHS laws are enforceable through the courts, often following investigation initiated by State/Territory authorities.
- Penalties apply to individuals as well as organisations for offences committed or breaches of WHS/OHS duties
- Financial penalties of up to \$2.7m in WA and/or imprisonment up to five years
- A court can also order offenders to take steps to remedy or restore any unsafe situation that has arisen because of an offence committed, reimburse the State/Territory

Non-
compliance may
result
from

Failure to meet legal requirements

Inadequate systems of information,
instruction training or supervision

Plant, equipment or substances not
maintained or used or stored in an unsafe
condition

Poor consultation practices

Poor design

Workplace hazard not identified or controlled

Workplace system not in place or inadequate

WHS/OHS Authorities - Inspection And Investigation Powers

State/Territory WHS/OHS Authority Inspectors have powers to inspect workplaces for the purpose of enforcing health and safety law.

The result of an inspection may require workplace managers, supervisors or workers to:

- Stop doing something hazardous at once
- To stay away from a particular hazard until the threat is further examined or removed
- Change a particular hazardous situation, or
- Make general improvements to present arrangements

City of Armadale fined over serious injury to member of public

- CITY of Armadale fined **\$47,000** and costs of **\$5510**
- A man visiting the landfill site in August 2014 was hit by a loader driven by a City of Armadale employee.
- The City's former waste services Divisional Manager at the time of the incident Robert George Druid-Sutton was fined **\$12,500** and costs of **\$4950** , he was guilty of the offence and that the offence occurred with his consent or neglect.
- "The City of Armadale did not ensure that safe systems of work were in place for an area in which it allowed mobile plant and pedestrians to be present at the same time," WorkSafe WA commissioner Ian Munns



Organisational Policies And Procedures

- Align OSH Acts, regulations, guidelines with workplace processes to manage, implement, monitor and train staff in WHS/OHS compliance.
- Provide guidelines in order to keep workers safe
- Direct workers to follow the safe practices and to ensure others in their workplace do as well.
- Outline industry and job specific processes for individual workplaces.
- An organisational policy is a statement of intent that guides how decisions are made

WHS Policies & Procedures



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- hazard identification and management
- **incident reporting** and investigation
- emergency planning and response
- bullying and harassment
- visitors and contractors
- induction, training and supervision
- consultation and participation
- alcohol, drugs and smoking
- manual handling
- mobile phone use
- standard operating

Exit

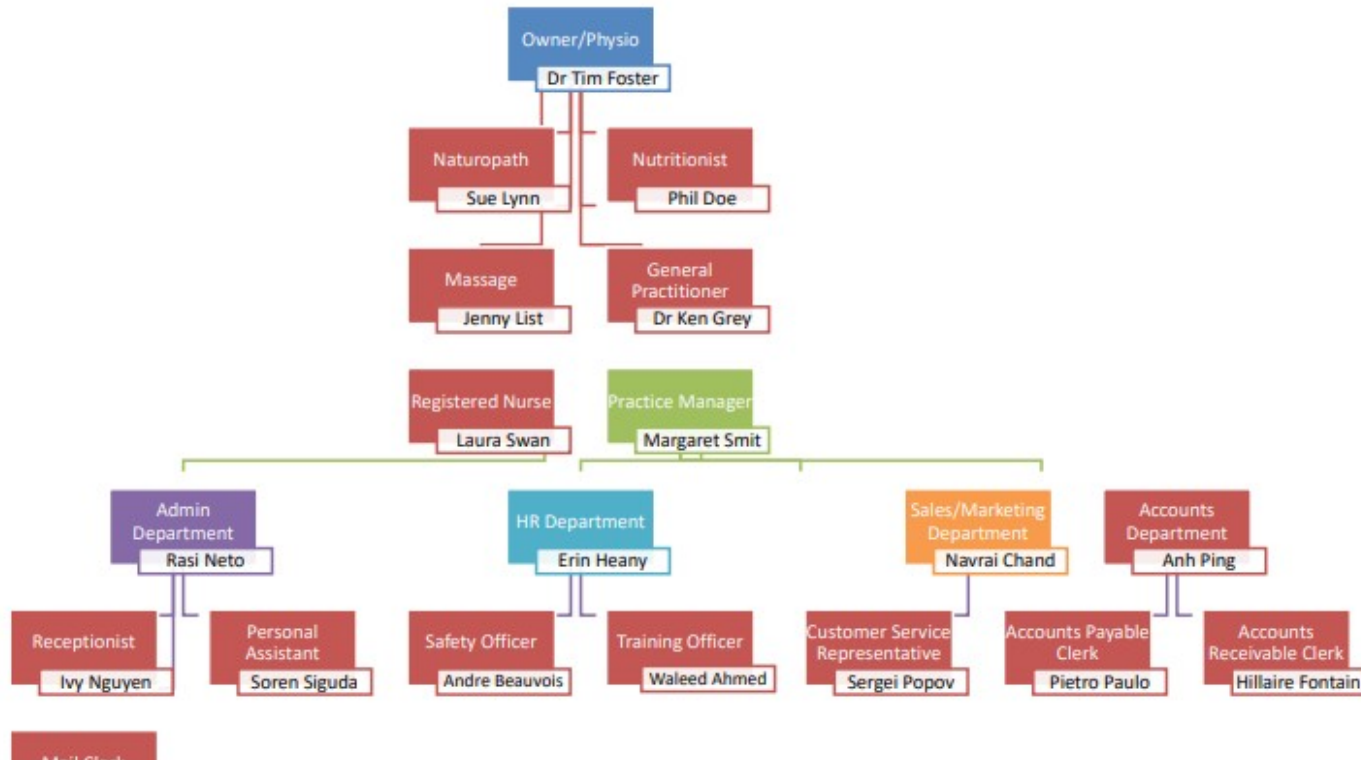


Activity – Emergency Evacuation Drill

- Using the SM TAFE Emergency Evacuation Procedure located on Blackboard
- Follow the instructions
- Refer to the Evacuation Procedure on the wall to locate the nearest muster point
- Your lecturer will act as the Warden or Emergency Services person

Report WHS queries and concerns

Organisation Chart



- Report to:
 - Supervisor
 - Specialised WHS personnel
 - Health and safety representatives (HSRs)
 - Health and safety committee (HSC)
 - Health and safety officers: specialists in health and safety.

Identify hazards

- A hazard is a source, or potential source, of human injury, ill health or disease.
- Your organisation's WHS policy should include a systematic approach aimed at eliminating or minimising workplace hazards.



Types of hazards

- Biological hazards
 - E.g. bacteria, mould, viruses, blood and waste
- Chemical hazards
 - E.g. acids or poisons
- Mechanical/electrical hazards
- Physical hazards
 - E.g. stairs, steps, ladders and work platforms



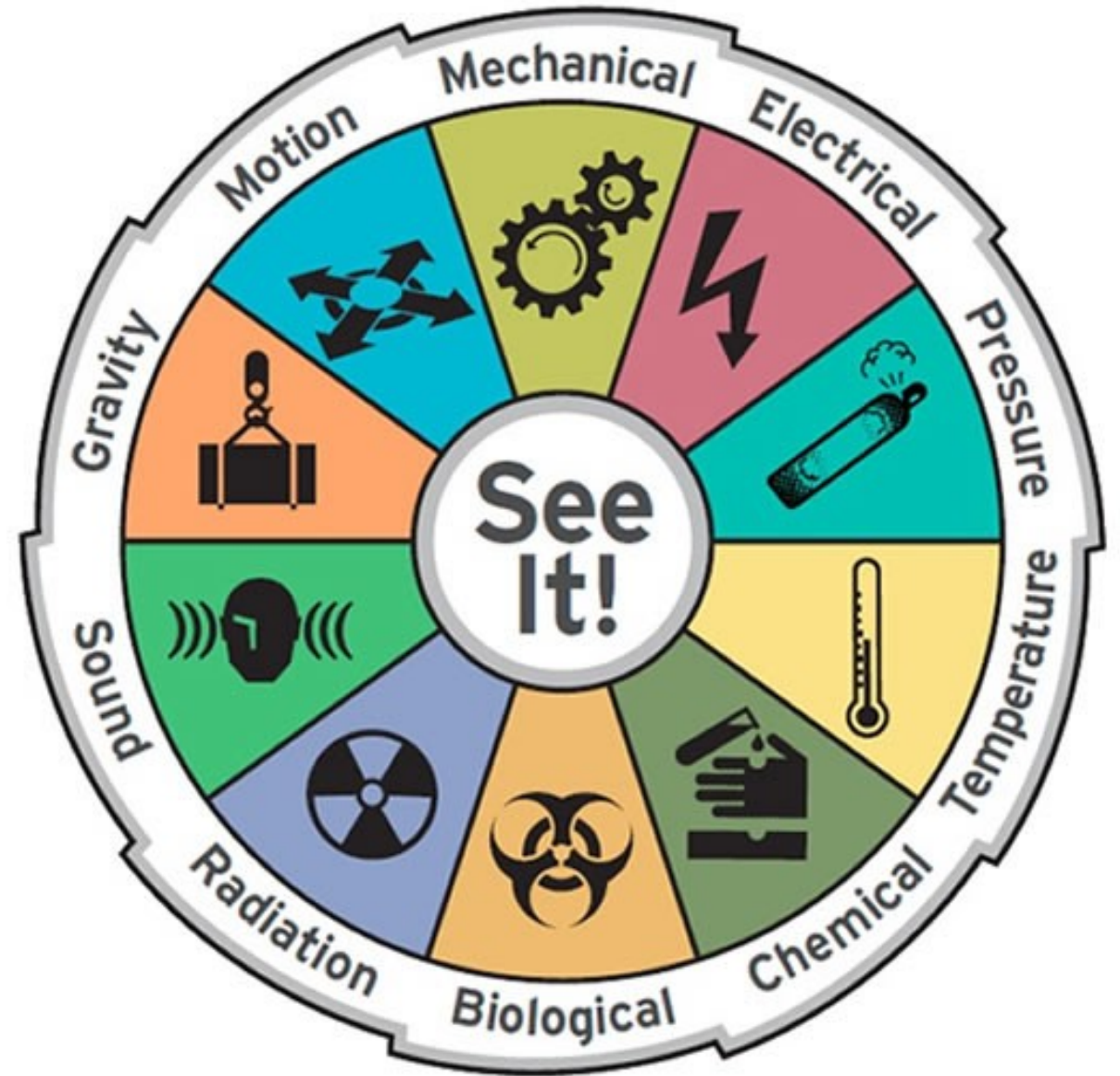
Types of hazards



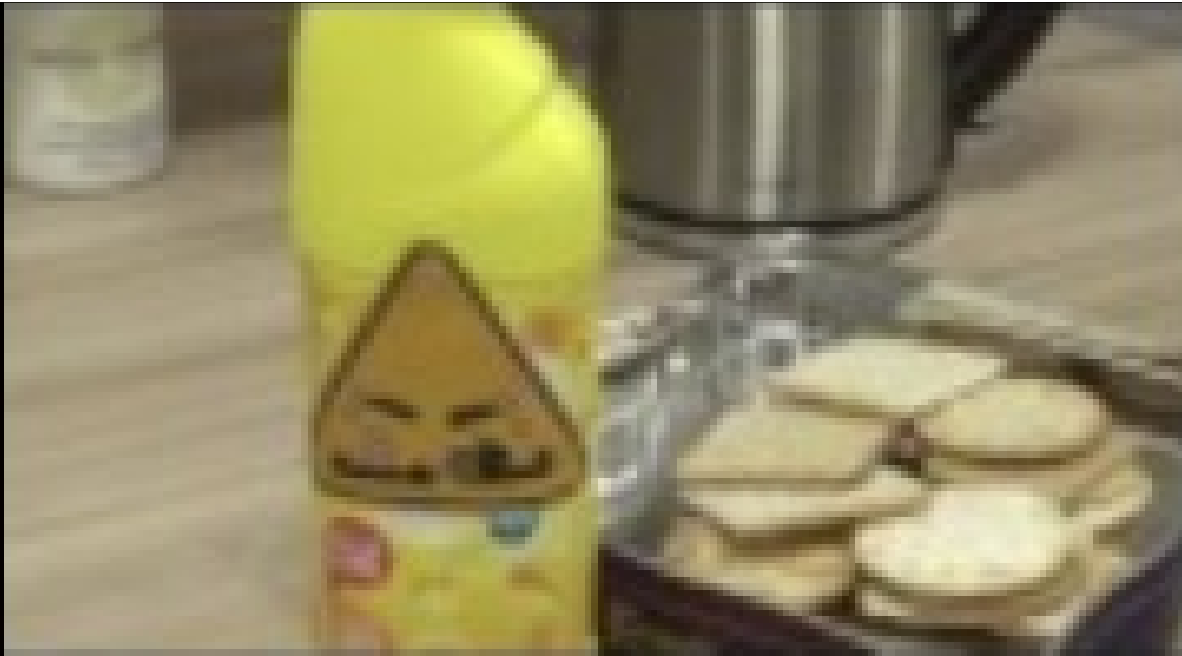
- Psychological hazards
 - E.g. workplace stress and bullying

Methods of identifying hazards

- Observation
- Consultation with others
- Checklists
- Hazard identification plan



Activity



- Watch the video and take note of the hazards.
- When you have finished complete the SMWC Accident/Incident hazard form found in SMWC Intranet on Blackboard.

Summary

- PCBU's have legal obligations to provide WHS systems, training and consultation opportunities.
- PCBU's are legally required to comply with their applicable state, territory or Commonwealth legislation. Noncompliance may cause injury or harm and can result in legal and financial penalties.
- Policies & procedures outline safe and healthy work practices and guidelines for compliance

Out of Class Activity

- Read and Review the following:
 - Reporting Safety Handout
 - Handout: Guide To The Work Health And Safety Act pages 28 - 42
- If not completed in class finish AT1 Task due next week.



Assessment 1



AT1 Portfolio – Located on Blackboard-Assessment Area



Review Emergency Evacuation Procedure for SM TAFE



AT1 Task 1 and Task 2 due next week – Week 3

References

- Perlitz- Professional Business Skills, 3e
- Software Publications - Ensure a Safe workplace
- Aspire BSBWHS201
- Worksafe Western Australia
- Safe work Australia <https://www.safeworkaustralia.gov.au/>